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Attorneys for Plaintiffs, A.C., a minor and  
C.C., a minor

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

STEPHEN CLARK; SE'QUETTE  
CLARK; A.C. a minor, by and through  
his Guardian Litem, RAJNEESH  
MANNI; C.C., a minor, by and through  
his Guardian ad Litem, RAJNEESH  
MANNI; SEQUITA EDDY  
THOMPSON; and TOMMY LEE  
THOMPSON,,

Plaintiffs,

v.

CITY OF SACRAMENTO;  
TERRENCE MERCADEL; JARED  
ROBINET; and DOES 1-10, inclusive,,

Defendants.

**Case No. 2:19-cv-00171-JAM-EFB**

**DECLARATION OF BRIAN  
PANISH IN SUPPORT OF  
APPLICATION FOR  
COMPROMISE OF DISPUTED  
CLAIMS BY MINOR PLAINTIFFS  
A.C. AND C.C.**

The Hon. John A. Mendez  
Magistrate Judge Kendall Newman

*[Filed concurrently herewith  
Unopposed Petition for Compromise of  
the Claims of Minor Plaintiffs A.C. and  
C.C.; Memorandum of Points and  
Authorities; [Proposed] Order; Notice  
Of Motion And Motion To Create And  
Fund Statutory Minor's Trust For A.C.;  
Notice Of Motion And Motion To  
Create And Fund Statutory Minor's  
Trust For C.C.; [Proposed] Order]*

**DECLARATION OF BRIAN PANISH**

I, Brian Panish, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Panish Shea & Boyle, LLP, attorneys of record for Plaintiffs. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If

1 called as a witness, I could and would competently testify

2       2.     The instant claims of minor Plaintiffs A.C. and C.C. arose out of the  
3 fatal shooting of their father, decedent Stephon Clark, on March 18, 2018 by  
4 Sacramento Police Department Officers. The parties recently reached a settlement  
5 agreement which obligates Defendants to pay to the Plaintiffs and their attorney of  
6 record the total sum of \$2,400,000.

7       3.     The following is a description of the breakdown submitted to the Court  
8 for approval:

10	TOTAL SETTLEMENT:	\$2,400,000.00
11		
12	MINOR A.C.'s PORTION:	\$1,200,000.00
13		(50% of total recovery)
14		
15	MINOR C.C.'s PORTION:	\$1,200,000.00
16		(50% of total recovery)

17  
18 COSTS

19		
20	COSTS – PANISH SHEA	
21	& BOYLE LLP	\$9,725.25
22		
23	COSTS – BEN CRUMP LAW	\$4,048.87
24		
25	TOTAL COSTS FROM	
26	ALL LAW FIRMS:	\$13,774.12
27		

COSTS CHARGED

TO MINOR A.C.: \$6,887.06 (50% of total costs)

COSTS CHARGED

TO MINOR C.C.: \$6,887.06 (50% of total costs)

ATTORNEY'S FEES

TOTAL ATTORNEY'S FEES

CHARGED TO MINOR A.C.: \$300,000.00 (25% of recovery)

TOTAL ATTORNEY'S FEES

CHARGED TO MINOR C.C.: \$300,000.00 (25% of recovery)

TOTAL RECOVERY FOR

MINOR A.C.: \$893,112.94

TOTAL RECOVERY FOR

MINOR C.C.: \$893,112.94

4. Plaintiffs Guardian Ad Litem signed a retainer providing for attorney's fees of 36.6% after the filing of a complaint in this matter. Plaintiffs' counsel has elected to reduce their fee to 25% of the gross settlement, and thus the total attorney's fee is \$600,000 combined with \$300,000 coming from each minor's settlement. The attorney's fee will be shared between Panish Shea & Boyle LLP and Ben Crump Law.

5. In order to prosecute the Plaintiffs' action, Plaintiffs' counsels advanced \$13,774.12 in necessary costs. Attached hereto as Exhibit A is a true and correct copy of the costs incurred by Plaintiffs' counsels.

1           6.     The minor Plaintiffs are splitting the settlement evenly, 50% and 50%.  
2 After deduction of requested attorney's fees and prosecution costs, each Plaintiff  
3 will receive a net settlement of \$893,112.94. Petitioner agrees to these sums.

4           7.     Minor Plaintiff A.C. is a 5 year old male born on August 18, 2014, and  
5 his maternal grandfather is Rajneesh Manni.

6           8.     Minor Plaintiff C.C. is a 2 year old male born on January 5, 2017, and  
7 his maternal grandfather is Rajneesh Manni.

8           9.     Minor Plaintiffs A.C. and C.C. suffered damages and loss as a result of  
9 the death of their father, Stephon Clark. The minor Plaintiffs is deprived of and will  
10 continue to suffer a deprivation of their familial relationship with their father.

11          10.    Medical treatment for the minor Plaintiffs is not relevant to this claim.

12          11.    The total amount of the settlement that Defendants agreed to pay is  
13 \$2,400,000. Plaintiffs' counsel, Panish Shea & Boyle LLP and Ben Crump Law, are  
14 requesting attorney's fees of 25 percent of the total settlement, which is \$600,000  
15 and will be split between the two law firms. Each minor will contribute \$300,000 of  
16 their gross settlement towards attorney's fees.

17          12.    The minor Plaintiffs brought claims for the wrongful death of their  
18 father, Stephon Clark, who was fatally shot and killed on March 18, 2018, at  
19 approximately 9:26 p.m., by Sacramento Police Officers Terrance Mercadel and  
20 Jared Robinet. At the time of the shooting, decedent Stephon Clark was unarmed  
21 and in the backyard of his family's residence in the Meadowview neighborhood of  
22 Sacramento, California. The officers fired approximately twenty shots with  
23 approximately eight shots striking the Decedent.

24          13.    The Court ordered the parties to participate in a confidential settlement  
25 conference on or about May 7, 2019, with Magistrate Judge Kendall J. Newman. A  
26 second confidential settlement conference was held on or about June 18, 2019, and  
27 the parties were able to reach a verbal settlement subject to approval of the  
28 settlement by the City Council for the City of Sacramento. It is my understanding

1 that the City Council has now approved the settlement.

2 14. Attorneys at my law firm Panish Shea & Boyle LLP, as well as  
3 attorneys at Ben Crump Law, expended extensive hours preparing the case for  
4 meaningful settlement discussions. After two settlement conferences, the matter  
5 resolved for a substantial amount. When my firm and Ben Crump Law took on the  
6 matter, we took on a case that carried risk associated with the highly publicized and  
7 national headline nature of the incident that gave rise to the claims. The facts  
8 surrounding the incident also presented risk. Upon retention, we immediately hired  
9 famous pathologist Bennet Omalu, M.D., to examine the decedent and analyze his  
10 bullet wounds. Then in preparation of settlement discussions, our law firms  
11 reviewed and analyzed a voluminous, confidential production made by the City of  
12 Sacramento. Within the file, we analyzed matters relevant to liability including  
13 numerous documents, media including video footage, interview statements, and  
14 other evidence. We also analyzed evidence and prepared arguments regarding the  
15 Plaintiffs' damages claims. As to damages and liability, we had to quickly  
16 synthesize our analysis to make coherent presentation of the Plaintiffs' case during  
17 settlement discussions.

18 15. I believe the attorneys were instrumental in settling the case for such a  
19 significant amount due to prior success in obtaining numerous multimillion dollar  
20 verdicts in difficult matters. If attorneys were not awarded a fully compensatory fee  
21 in such cases, it would be difficult to take them. In turn, minor plaintiffs such as  
22 A.C. and C.C. would not be able to attract competent counsel who could achieve  
23 similar results.

24 16. I support Petitioner Rajneesh Manni's request for funding structured  
25 annuities and for the creation and funding of statutory minor's trusts. For minor  
26 Plaintiff A.C., \$269,499.00 of A.C.'s total net settlement amount of \$893,112.94 is  
27 requested to be used to fund a structured settlement annuity. The annuity will be  
28 disbursed to A.C., tax-free at three intervals between the age of 22 and 25. For



1 minor Plaintiff C.C., \$248,727.00 of C.C.'s total net settlement amount of  
2 \$893,112.94 is requested to be used to fund a structured settlement annuity. The  
3 annuity will be disbursed to C.C., tax-free at three intervals between the age of 22  
4 and 25.

5 17. The structured settlement annuities will be administered, paid, and  
6 guaranteed by Metropolitan Tower Life Insurance Company, which is rated A+ by  
7 A.M. Best Company. Attached hereto as Exhibit B are true and correct copies of the  
8 structured settlement annuity illustrations for Minor Plaintiffs A.C. and C.C.

9 18. The structured settlement annuities for both plaintiffs guarantee  
10 benefits in disbursements totaling \$450,000, for each minor.

11 19. For each minor plaintiff, Petitioner also requests that statutory minor's  
12 trust accounts be created and funded. My firm has concurrently filed a Motion to  
13 Create and Fund Statutory Minor's Trusts for each plaintiff. Under the proposals, a  
14 Statutory Minor's Trust for plaintiff A.C. would be created and funded with  
15 \$623,613.94, which is the balance of A.C.'s settlement after the funding of the  
16 annuity and payment of attorney's fees and costs. For plaintiff C.C., a Statutory  
17 Minor's Trust for plaintiff C.C. would be created and funded with \$644,385.94,  
18 which is the balance of C.C.'s settlement after the funding of the annuity and  
19 payment of attorney's fees and costs. The Motion to Create and Fund Statutory  
20 Minor's Trusts further addresses the nuances of the request and proposal.

21 20. Petitioner Rajneesh Manni does not have any claims against the minor  
22 Plaintiffs nor against the Defendants in connection with the subject incident.

23 21. Neither my firm Panish Shea & Boyle LLP nor Ben Crump Law  
24 became concerned with this matter at the insistence of any party against whom the  
25 claim of said minor is asserted. Panish Shea & Boyle LLP and Ben Crump Law are  
26 not employed by any other party or any insurance carrier involved in the matter.  
27 Panish Shea & Boyle LLP and Ben Crump Law have not received any  
28 compensation for their services in connection herewith from any person.

Executed on this 4th day of September, 2019, at Los Angeles, California.

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